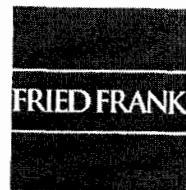


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DATE FILED: <u>9-24-2015</u>



MEMO

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September 23, 2015

VIA ECF

Hon. Laura Taylor Swain
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: *Tiffany and Company et al. v. Costco Wholesale Corporation*
13-cv-1041(LTS)(DCF)

Dear Judge Swain:

I am Managing Attorney of and Special Counsel to the law firm of Fried, Frank, Harris, Shriver & Jacobson LLP ("Fried Frank"). On behalf of Fried Frank I respectfully request the following, with the consent of Jeffrey A. Mitchell, Esq. of Dickstein Shapiro LLP, counsel for plaintiffs, and James W. Dabney, Esq. of Hughes Hubbard & Reed LLP ("Hughes Hubbard"), counsel for defendant Costco Wholesale Corporation ("Costco").

Withdrawal of Appearance

I respectfully request withdrawal of the appearance of Fried Frank associate Victoria Doyle pursuant to Local Civil Rule 1.4. As the Court is likely aware, Costco originally appeared in this action by James Dabney while Mr. Dabney was a partner at Fried Frank. Mr. Dabney subsequently left Fried Frank and became a partner at the law firm of Hughes Hubbard & Reed LLP ("Hughes Hubbard"). Other Fried Frank attorneys appearing in this action and assisting Mr. Dabney with defense of Costco later relocated to Hughes Hubbard, and the appearances of counsel portion of the docket for this action, a copy of which is attached as Exhibit A, accurately reflects that in addition to Mr. Dabney, his colleagues Richard M. Koehl, Esq. and Emma L. Baratta, Esq.* are affiliated with Hughes Hubbard.

* Apparently due to a clerical oversight, for some time after her move to Hughes Hubbard Ms. Baratta's firm affiliation appeared on the docket as Fried Frank. However, by notice of change of address filed yesterday (D.I. # 178) this was corrected and her affiliation with Hughes Hubbard is now accurately reflected.

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Fried, Frank, Harris, Shriver & Jacobson LLP

Hon. Laura Taylor Swain

September 23, 2015

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Ms. Doyle, who remains at Fried Frank, ceased working on this case in early December 2013, long prior to Mr. Dabney's change of firm affiliation. Accordingly, her appearance should be withdrawn from this action, her withdrawal noted on the docket, and her name removed from the ECF distribution list. Inasmuch as Ms. Doyle had not been involved in any way in defense of this action for nearly two years, her withdrawal will not affect any pending deadlines or result in any delay of this action. Pursuant to Local Civil Rule 1.4. I certify that neither Fried Frank nor Ms. Doyle will assert a retaining lien or a charging lien.

Amendment of Opinion and Order

In light of the fact that all of the attorneys appearing in this action and involved in the defense of Costco are at Hughes Hubbard, I respectfully request, with the consent of counsel for all parties, that the "Appearances" portion of the Court's September 8, 2015 Opinion and Order (D.I. # 175) be amended to omit reference to Fried Frank and accurately reflect that counsel for defendant Costco Wholesale Corporation are as follows:

HUGHES HUBBARD & REED LLP
By: James W. Dabney, Esq.
Richard M. Koehl, Esq.
Emma L. Baratta, Esq.
One Battery Park Plaza
New York, NY 10004-1482

I declare under penalty of perjury that the foregoing is true and correct.

Respectfully yours,



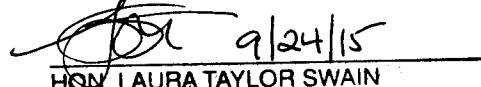
John A. Borek

Managing Attorney and Special Counsel

cc: Jeffrey A. Mitchell, Esq. (via ECF)
James W. Dabney, Esq. (via ECF)

The requests are granted. 10132909
The Clerk of Court is requested to update the
Court's docket as necessary to reflect the
foregoing. An order will be issued to amend
the appearances shown on docket entry no. 175.

SO ORDERED:



9/24/15
HON. LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE